

"Dow Liquor Law."

As Act providing against the Evils resulting from the Traffic in Intoxicating Liquors.

Section 1. Be it enacted by the General Assembly of the State of New Jersey, That upon the business of trafficking in spirituous, vinous, malt, or any intoxicating liquors, there shall be assessed yearly and shall be paid into the county treasury, as hereinafter provided, by every person, corporation or partnership engaged therein, and for each place where such business is carried on by or for such person, corporation or partnership, the sum of two hundred dollars; provided that such business continues throughout the year, to wit: From the fourth Monday of May, exclusively, in the trafficking in malt or vinous liquors, and such assessments shall be but one hundred dollars.

Sec. 2. That said assessment, together with any increase thereof, as provided therein, shall attach and become a lien upon the real property in which such business is conducted, and shall be paid for the same by the owner thereof, or the person or persons providing for the same, to wit: One-half on or before the twentieth day of June, and one-half on or before the twentieth day of December, of each year.

Sec. 3. That when any such business shall be commenced in any year after the fourth Monday of May, said assessment shall be proportionate in amount to the remainder of the assessment year, except that it shall be in no case less than twenty-five dollars, and the same shall attach and operate as a lien, as aforesaid, at the date of, and be paid within ten days after such commencement; and whenever any person, corporation or partnership, engaged in such business, who has been assessed as aforesaid, and who has paid or is charged upon the tax duplicate with the full amount of said assessment, discontinues such business, the county auditor, upon being satisfied of that fact, shall issue to such person, corporation or partnership a refunding order for a proportionate amount of said assessment.

Sec. 4. That if any person, corporation or partnership shall refuse or neglect to pay the amount due from them under the provisions of this act within the time therein specified, the county treasurer shall thereupon forthwith make and amount due with all penalties thereon, and four per cent. collection fees and costs, by distress and sale, as on execution, of any goods and chattels of such person, corporation or partnership; he shall call at once at the place of business of each person, corporation or partnership; and in case of the refusal to pay the amount due, he shall levy on the goods and chattels of such person, corporation or partnership, wherever found in said county, or on the real estate, fixtures or furniture, liquors, household and other goods and chattels used in carrying on such business, which levy shall take precedence of any and all liens, mortgages, conveyances or encumbrances hereafter taken or had on such goods and chattels, so used in carrying on such business; nor shall any claim of property by any third person to such goods and chattels, so used in carrying on such business, avail against such levy so made by the treasurer, and no property, of any kind, of any person, corporation or partnership liable to pay the amount, penalty, interest and costs due under the provisions of this act, shall be exempt from said levy. The treasurer shall give notice of the time and date of sale of personal property to be sold under this act, the same as in cases of the sale of personal property on execution; and all provisions of law applicable to sales of personal estate on execution shall be applicable to sales under this act, except as hereinafter provided; and all moneys collected by him under this act shall be paid, after deducting his fees and costs, into the county treasury. In the event of the treasurer, under the levy provided for under this act, being unable to make the amount due thereunder, or any part thereof, the county auditor shall place the amount due and unpaid upon the tax duplicate against the real estate in which said traffic is carried on, and the same shall be collected as other taxes and assessments on said premises.

Sec. 5. That every assessor shall return to the county auditor, with his other returns, a statement upon a blank to be furnished by such auditor for that purpose, as to every place within his jurisdiction where such business is conducted, showing the name of the person, corporation or partnership engaged therein, and by whom owned, and whether such business is confined exclusively to trafficking in malt or vinous liquors, or both; said statement shall be signed and verified before such assessor by such person, corporation or partnership. And if such person, corporation or partnership shall, on demand, refuse or fail to furnish the requisite information for such statement, or to sign or verify the same, such fact shall be returned by the assessor, and thereupon such assessment on said business shall be four hundred dollars. And if any person having made return that his business is confined exclusively to malt or vinous liquors, or both, shall thereafter, during the assessment year, sell any other intoxicating liquors, the assessment upon his business shall thereby be increased by the sum of two hundred and fifty dollars. And if any assessment aforesaid shall not be paid when due, there shall be added a penalty thereto of twenty per centum, which shall be collected therewith.

Sec. 6. The county auditor shall make and preserve duplicates of such assessments, alphabetically arranged, showing the amount and date of each assessment, by whom to be paid, and the premises whereon the same is a lien. And upon receiving satisfactory information of any such business liable to assessment or increased assessment as aforesaid not returned by the assessor he shall forthwith enter the same upon such duplicate and upon the county treasurer's copy thereof. By the first Monday of June of each year, he shall make out and deliver to the county treasurer a copy of such duplicate, charging him with the full amount of such assessment to be collected and also with any additional assessments or increased assessments and penalties thereon.

Sec. 7. The county treasurer shall collect and receipt for all assessments so returned to him, and if any assessment shall not be paid when due, he shall forthwith proceed as provided in section four of this act to collect the same, and in case he shall fail to make such assessments and the collection of such assessments and penalties, placed in his hands for collection, and shall account to the auditor for the same, together with all penalties collected thereunder.

Sec. 8. The phrase, "trafficking in intoxicating liquors," as used in this act, means the buying or procuring and selling of intoxicating liquors otherwise than upon prescriptions issued in good faith by reputable physicians in active practice, or for exclusively known medicinal purposes, but such phrase does not include the manufacturing of intoxicating liquors from the raw material, and the sale thereof at the manufactory by the manufacturer of the same in quantities of one gallon or more at any one time.

Sec. 9. That the revenues and fines resulting under the provisions of this act shall be distributed as follows, to wit: In every county, three-fourths of the money paid as herein provided into the county treasury on account of any business aforesaid carried on in any city or village therein, shall, upon the warrant of the county auditor, be paid into the treasury of such corporation, one-half to the credit of the police fund and one-half to the credit of the general revenue fund thereof; provided, in corporations having no police fund, the entire three-fourths shall be passed to the credit of the general revenue fund thereof. The remaining one-fourth part thereof, together with all other revenues resulting hereunder in said county, shall be passed to the credit of the poor fund of such county; provided, that in all counties in which there is no county infirmary, said remaining one-fourth part thereof shall be passed to the credit of the infirmary fund or the poor fund of the township, village or city in which the same shall have been collected; and provided, that in counties having a city of the first grade of the first class with a city infirmary, the above one-fourth part shall be divided between the city and county infirmary funds, in proportion of the revenue received from the city to the revenue from the county outside of said city.

Sec. 10. That within ten days after the passage of this act, each county auditor in the state is hereby directed to publish, by one insertion in some newspaper of general circulation in his county, a notice informing all persons engaged in the traffic in intoxicating liquors that the first assessment imposed by this act will be due and payable on or before the twentieth day of June, A. D. 1887. The attorney general and the prosecuting attorneys of the several counties are charged with the duty of seeing that the requirements of this section are observed, and may enforce the same, if necessary, by proceedings in mandamus. The county commissioners of the respective counties may allow their county auditor a reasonable compensation for the discharge of the duties imposed upon him by this act.

Sec. 11. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of week, commonly called Sunday, except by a regular druggist on the written prescription for medical purposes only, is hereby declared unlawful, and all places where such intoxicating liquors are on other days sold or exposed for sale, except regular drug stores, shall on that day remain closed, and whoever makes any such sale, or allows any such place to be open or remain open on that day, shall be fined in any sum not exceeding one hundred dollars and be imprisoned in the county jail or city prison not exceeding thirty days. In regular hotels and eating houses, the word "place" herein used shall be held to mean the room or part of a room where such liquors are usually sold or exposed for sale, and the keeping of such room or part of room securely closed shall be held, as to such hotels and eating houses, as a closing of the place within the meaning of this act; provided, that nothing in this section shall prevent the county or any municipal corporation in the State from regulating and controlling on such first day of the week, the sale of beer and native wine in such manner as may by ordinance be provided. And any municipal corporation shall have full power to regulate, restrain and prohibit ale, beer and porter houses, and other places at retail for any eating liquors are sold within the purpose or in any quantity eight in this as provided for in section eight in this act. But if any municipal corporation shall prohibit ale, beer and porter houses, or other places where intoxicating liquors are sold within the limits of such corporation, a ratable proportion of the tax paid by the proprietors thereof for the unexpired portion of the year shall be returned to such proprietors.

Sec. 12. Whoever sell intoxicating liquors to a minor except on the written order of his parent, guardian or family physician, or to a person intoxicated or in the habit of getting intoxicated, shall be fined, not more than one hundred nor less than twenty-five dollars, and imprisoned not more than thirty nor less than five days.

Sec. 13. The abrogation or repeal of any section or clause of this act shall not be held to abrogate or repeal any other section or clause thereof.

Passed May 14, 1886.

AN ORDINANCE Relating to the Orange Cross-Town and Orange Valley Street Railway Company.

Be it ordained by the Township Committee of the Township of Bloomfield as follows:—

Section 1. That "The Orange Cross-Town and Orange Valley Street Railway Company," a corporation incorporated under the certain act of the Legislature of the State of New Jersey, entitled "An Act to provide for the Incorporation of Street Railway Companies, and to Regulate the same," approved April sixth A. D. eighteen hundred and eighty-six, is hereby granted the right to construct, maintain and operate a street railway for the transportation of passengers upon the following described location of the route of its tracks, within the bounds of said Township, that is to say upon the certain route: Commencing on Prospect Street at the boundary line established between the Township of East Orange and the Township of Bloomfield, and extending thence Northerly through the centre or side of said Prospect Street to Glenwood Avenue.

Also, continuing through the centre or side of said Glenwood Avenue, Northerly to Bloomfield Avenue.

Also, continuing Northerly across Bloomfield Avenue and across the tracks of the Newark and Bloomfield Street Railway to Broad Street.

Also, continuing along said Broad Street to its terminus at near Bay Lane.

Sec. 2. The grant hereby made is under the following restrictions and regulations, to wit:—

I. There shall be only a single track laid and that shall be upon the side line of each street, except where the Township Committee shall, by resolution otherwise expressly determine; but there may be as many turn-outs and switches as shall be required; provided, that no turn-out shall be more than 175 feet in length; nor within 500 feet of any other turn-out on the same street.

II. The rails to be used for said railroad shall be of steel, and of the kind and pattern now used by the Orange Cross-Town and Orange Valley Street Railway Company in the City of Orange and weighing from thirty-eight to forty pounds to the yard, and the ties, sleepers, chairs and spikes shall severally be of the best quality of their respective kinds; and both material and workmanship shall be subject to the inspection and approval of said Township Committee, and said railroad shall not be operated for the transportation of passengers, and fares be collected thereon, until so approved and accepted by said Township Committee, in writing.

III. The spaces between the rails of the tracks, switches and turn-outs, and between the tracks of the turn-outs, shall be paved with cobble stone of medium size and of good quality, and to the satisfaction of said Township Committee, before the said railroad shall be operated for the transportation of passengers, and fares be collected thereon, and the expense of such paving shall be paid by said Township Committee, or if not so kept and maintained, the repairs thereon may be made by or under the direction of said Road Committee, and to their satisfaction, and the expense thereof shall be paid on demand, by said company to said Township Committee; provided, the said Road Committee, or a majority of them, shall give at least ten days' notice, in writing, of their intention to make such repairs, and the said notice to be served upon any officer or employee of said company who may be found at their office or stables.

IV. The company shall in laying its tracks, switches and turn-outs, conform, in all cases, to the grade lines of the streets, as now established, or as they may be hereafter changed or established by the Township Committee; and if such company shall in case of any such change of grade, conform thereto, and alter such tracks, switches and turn-outs at their own expense, and without any necessary delay, and under the direction of said Road Committee; or, in case of default, the said Road Committee shall make such a change, or cause the same to be made, and the expense thereof shall be paid, on demand, by said company to said Township Committee; provided, ten days' notice of the Committee's intention to make such change shall be given, and served in the same manner as in case of repairs as aforesaid.

V. In passing over the gutters of any cross street where the bottom of such gutters is or may be below the grade line of such railroad, the rails shall be securely laid and fastened upon oak bridges of the most approved pattern; and such bridges shall be extended on each side of the track or tracks to the gutter line of the street in which said track or tracks are laid; the bridges and work to be subject to the inspection and approval of said Township Committee, in every particular.

VII. During the construction of said railroad, no unnecessary hindrance or obstruction to ordinary travel upon any such street or streets, shall be permitted; and if any accident or other casualty shall happen to occur, at any time, to any person or property, because or by reason of any work connected with such construction of said railroad, or afterwards because or by reason of any operation thereof, or through the carelessness or negligence of any of the company's officers or servants, agents or employees, the said company shall be liable therefor, and shall indemnify and save said Township harmless from all cost, loss or damage by reason thereof.

VIII. The carriages to be used on said railroad shall be drawn or propelled by horses or mules, and not otherwise; and no such carriage shall be drawn or propelled thereon at any higher speed than at the rate of eight miles per hour; and it shall be the duty of the conductors and drivers, and each of them, to have bells hung upon such horses, or mules, and to give other timely notice of the approach of such carriages, to pedestrians and the drivers of other vehicles; and for a violation of either of the provisions in this sub-section contained, the said company shall pay to the said Township the penalty of twenty dollars for each and every offence, besides being liable for any damage or injury occasioned thereby; and such carriages shall be constructed with such carriages, or platforms, that will provide ample room for the passengers getting on or off the same and of a pattern to be approved by the said Township Committee.

IX. No carriage belonging to said company shall be allowed to stand in or obstruct any cross street, or stand upon any cross-walk, for any purpose or purposes whatsoever; nor to stand or remain in any one position, upon any street, for

more than five minutes at any one time; except when said carriage shall be unavoidably obstructed or detained without the fault or negligence of said company, or any of its officers, servants, agents or employees; under the penalty of five dollars, to be paid by said company to said Township for each and every offence.

X. The rate of fare for any transportation of any single passenger, over the age of twelve years, upon said railroad, shall not exceed the sum of five cents, for any distance in any one trip between Bay Lane and Bloomfield Station on the Delaware and Lackawanna Railroad or between Bloomfield Avenue and the terminus of said railroad in the City of Orange.

XI. The said company and its officers, servants or agents or employees, shall not nor shall any of them, be allowed to shove, throw or place any snow, ice or slush, along the side of said track or tracks in any street or streets, in such manner as to obstruct any other public travel thereof, but when removing said snow, ice or slush from said track or tracks, the said company, or its officers, servants, agents or employees, shall cause the same to be immediately removed from between the said track or tracks and the gutter lines on each side thereof; under a penalty of twenty dollars to be paid by said company, or by any of its officers, servants, agents or employees, so offending, to said Township for each and every offence.

XII. The said Township reserves the right to dig or excavate open any such street in which said railroad shall be so constructed, for the purpose of laying, examining, repairing or replacing any water or sewer pipes or pipes or making or shutting off any connection therewith, or for the purpose of making any other public improvement, or of doing any other public work, of any kind whatsoever; and the said company shall not have any recourse against said Township therefor, for damages or otherwise, because of any detention or obstruction to travel upon said railroad arising therefrom.

XIII. If the said company shall fail to build or construct the whole of said railroad, with its said turn-outs and switches in manner aforesaid, and to put the same in full and complete operation for the transportation of passengers, within one year next after the passage of this ordinance, or shall afterwards fail or neglect to operate the same as aforesaid, daily and every day, for the space of three consecutive months, all the rights, powers and privileges, and every of them, of said company, their successors or assigns, under and by virtue of this ordinance, shall thereupon cease and be determined, and this ordinance shall become null and void, so far as the grant of any such right, power or privilege to said company is concerned; and, in either of such cases, the Township Committee expressly reserves the right to cause the said railroad, or any part or parts thereof, so constructed, to be removed from said street or streets, or any of them, and to sell and dispose of the materials thereof, by public auction, after paying all the expenses of such removal and sale, and of repairing the said street or streets, and of restoring the same as nearly as possible to its or their original condition, to pay the balance of the proceeds of said sale to the said company, or its successors or assigns; provided that no notice of such sale shall be required to be given, other than an advertisement, signed by the Township Clerk and published in a newspaper, published in said township.

XIV. The said company shall pay to the Collector of Taxes for said Township for the use of said Township, a license fee of one dollar per year for each and every year for each and every car run upon said railroad; and all such licenses shall expire and be renewed for the term of one year, on the first day of January of each year.

XV. The said company shall file with the Township Clerk within ninety days after the passage of this ordinance, their acceptance under their corporate seal, and signed by their president or the terms and provisions, restrictions and regulations hereof, and every of them, and in default thereof, it shall be understood, and held that they decline to accept the same, and thereupon all rights, powers and privileges, to them granted hereby, shall forever cease and be at an end, in the same manner and with the same effect as if this ordinance had never been passed.

EDWARD F. FARRAND, Township Clerk.
Bloomfield, N. J., Jan. 4, 1888.

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ASSETS (Market Values) Jan 1, 1887.
\$40,826,034.15
LIABILITIES 4 per cent. Reserve 37,979,221
SURPLUS 2,846,813.24
SURPLUS (N. Y. Standard) 5,512,393.31
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